

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
) No. 03-10370-DPW
 v.)
)
 3. GARY NEWELL,)
)
 Defendant.)

GOVERNMENT'S SECOND SUPPLEMENTAL FILING TO ITS
OPPOSITION TO GARY NEWELL'S MOTION
FOR SUPPLEMENTAL DISCOVERY

The United States of America, by its attorneys, United States Attorney Michael J. Sullivan, and Assistant U. S. Attorney Rachel E. Hershfang, hereby -- again -- supplements, and corrects, its opposition to Gary Newell's ("Newell") motion for supplemental discovery. It was reported to the undersigned earlier today that turret tapes were still available from the Massachusetts State Police with respect to the January, 2003 stop of Gary Newell's truck. Subsequent communication with the Massachusetts State Police communications unit has proven this to be untrue. Apparently they have turret tapes dating back only to January, 2004. No earlier turret tapes are available. Therefore, although a formal request has been made, no recordings will be produced.

Respectfully submitted,
MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Rachel E. Hershfang
RACHEL E. HERSHFANG
Assistant U.S. Attorney

Dated: November 29, 2004